

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KEVIN LYNN REVELS, (a/k/a JERRY LYNN JOHNS) (TDCJ-CID #654284)	§ § § §
Petitioner,	§ § §
vs.	§ CIVIL ACTION H-05-3217 § §
DOUGLAS DRETKE,	§ § §
Respondent.	§

MEMORANDUM AND OPINION

Kevin Lynn Revels, an inmate at the Estelle Unit of the Texas Department of Criminal Justice - Correctional Institutions Division (TDCJ-CID), has filed a pleading entitled, "Application for an Original Writ of Habeas Corpus." (Docket Entry No. 1). Revels has not paid the filing fee or submitted an application to proceed *in forma pauperis*. From Revels's litigation history, this court presumes that he seeks leave to proceed as a pauper.

In this petition, Revels states that his life is in danger because he has been denied adequate medical care. Revels explains that he suffers from a serious sinus problem, which results in chest congestion, headaches, and a lack of energy. Revels asserts that without proper sinus medications, he risks contracting serious diseases because of mucus that accumulates in his lungs and ears. Revels also asserts that he has a deformed finger on his left hand, and that prison officials have sabotaged his rehabilitation since 1989 by transferring him to units that do not provide therapy and by confiscating medical passes.

Revels asks this court to compel prison officials to remove Revels from administrative segregation; to transfer him to the Walls Unit for an emergency release on parole; or to remand him to court to be released on bail.

A review of the national prisoner case index shows that Revels has filed at least seventy-one lawsuits from prison, including at least thirty-five habeas corpus petitions. Revels has been barred from filing any *pro se* habeas corpus pleadings in any district within the United States Court of Appeals for the Fifth Circuit without the advance written permission of a forum judge. *See In re: Kevin Revels*, No. 98-11423 (5th Cir.); *see also Revels v. Cornyn*, Civil Action No. H-01-1467 (S.D. Tex. Nov. 6, 2001) (dismissing a habeas proceeding filed by Revels as barred under the Fifth Circuit's sanction order).

In Civil Action Number H-02-827, the court found that to try to circumvent that bar, Revels had filed his petition using the name "Jerry Lynn Johns." The court sanctioned Revels in the amount of one hundred dollars (\$100.00). The Inmate Trust Fund Account Office of TDCJ-CID was directed to place a hold on Revels's prison account, to withdraw funds from that account until the sanction amount had been collected, and to forward the amount to this court. Revels has not paid any portion of the sanction.

The United States District Court for the Eastern District of Texas, Lufkin Division has also sanctioned Revels. In Civil Action Number 9:97-207, the court imposed a sanction of \$100 for Revels's failure to follow a court order and refused to accept any filings from Revels until he paid the sanction in full. Revels has not paid that \$100 sanction.

Based on Revels's frivolous pleadings filed in this case, the sanctions imposed in other cases, and the preclusion order imposed by the United States Court of Appeals for the Fifth Circuit, this court dismisses this case.

The petition filed by Kevin Lynn Revels, a/k/a Jerry Lynn Johns, (TDCJ-CID #654284) is dismissed because he is barred from proceeding *pro se* in federal court, has not obtained advance permission to proceed in this case, and he has not paid the outstanding sanctions.

SIGNED on September 27, 2005, at Houston, Texas.



Lee H. Rosenthal
United States District Judge